



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, NEW YORK 10278

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Barnes

MAY 09 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

General Electric Company
3135 Easton Turnpike
Fairfield, CT 06431

Attention: John Welch, President

Re: York Oil Site, Moira, New York
Request for Information Under
42 U.S.C. §9604(e)

Dear Sir or Madam:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9601, et seq.

In order to determine the need for a response to a release or threatened release of a hazardous substance, pollutant or contaminant, choose or take a response action, or otherwise enforce the provisions of CERCLA, EPA may, pursuant to Sections 104(e)(1) and 104(e)(2) of CERCLA, require parties to provide certain information. Specifically, EPA may require parties to provide information relating to the materials generated, treated, stored or disposed of at or transported to a facility, the nature and extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup. Pursuant to these statutory provisions, we hereby require that you answer the questions posed in the attached Request for Information.

This Request for Information is specifically concerned with the York Oil Site ("York Oil Site" or "Site") located approximately one mile northwest of the Hamlet of Moira in Franklin County, New York.



Your response to this Request for Information should be post-marked or received at EPA within twenty-one (21) calendar days of your receipt of this letter, and should be mailed to Mr. Arnold Bernas, Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, Room 2930, 26 Federal Plaza, New York, New York 10278, with a copy to Michael A. Mintzer, Assistant Regional Counsel, Office of Regional Counsel, U.S. Environmental Protection Agency, Room 437, Region II, 26 Federal Plaza, New York, New York 10278.

Your failure to respond to this Request for Information within the time specified above may subject you to an enforcement action under Section 104(e)(5) of CERCLA. Such enforcement action may include the assessment of substantial penalties of up to \$25,000.00 per day for each day of continued noncompliance.

Your notarized signature must appear on the enclosed Certification of Answers to Request for Information, which must be attached to the response to this information request.

Be advised that you are under a continuing obligation to supplement your response if information not known or not available to you as of the date of submission of your response should later become known or available to you. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is incorrect, you are under an obligation to notify EPA thereof as soon as possible. If any part of your response is found to be untrue, you may be subject to criminal prosecution.

EPA acknowledges receipt of information from General Electric Company contained in the following letters which were addressed to EPA in response to prior requests by EPA for information pursuant to CERCLA § 104(e), or which were addressed to the Department of Justice:

- i. letter dated February 25, 1986 from Edward C. Gleason in response to letter dated January 23, 1986 from EPA pursuant to CERCLA § 104(e);
- ii. letter dated April 29, 1988 from Thomas Armstrong referencing General Electric Co., Inc. letter of February 25, 1986 but failing to respond to questions contained in letter dated March 18, 1988 from EPA pursuant to CERCLA § 104(e);
- iii. letter dated February 10, 1989 from Dale McAllister to the United States Department of Justice; and
- iv. letter dated March 31, 1989 from Dale McAllister to the United States Department of Justice.

The Request for Information included herewith requests information not previously provided. Accordingly, please provide complete answers to the questions contained in the Request for Information.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C, Section 3501 et seq. You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information, at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary," or "company confidential". Information covered by such a claim will be disclosed by EPA only in accordance with and by means of procedures set forth in Section 104(e)(7) of CERCLA and 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above-cited statutory and regulatory provisions carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

If you have any questions concerning this matter, please contact Mr. Mintzer at (212) 264-3348 or Mr. Bernas at (212) 264-7612. Thank you for your attention to this matter.

Sincerely yours,

for Kathleen Callahan
Kathleen Callahan, Director
Emergency and Remedial Response Division

Attachment

cc: Donald Frankel, Esq.
Environmental Enforcement Section
US Dept of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044

Dale M. McAllister, Esq.
General Electric Company
Electronics Park
Syracuse, NY 13221-4880

John Kolaga, Esq.
Whiteman, Osterman & Hanna
1700 Liberty Building
Buffalo, NY 14202

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A complete response must be made to each individual question in this Request for Information. Identify each answer with the number of the question to which it is addressed.
2. In preparing your response to each question, consult with all present and former employees and agents of your company who you have reason to believe may be familiar with the matter to which the questions pertains.
3. In answering a question, identify all contributing sources of information.
4. If you are unable to answer a question in a detailed or complete manner or if you are unable to provide any of the information or documents requested, state the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and telephone number and the reasons for your belief.
5. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it applies.
6. If there is anything deleted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the deletion.
7. If a document is requested but is not available, state the reason for its unavailability. In addition, to the best of your ability, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
8. If you cannot provide a precise answer to a question, please approximate, but in any such instance, state the reason for your inability to be more specific.
9. Whenever in this Request for Information there is a request to identify a natural person or an entity other than a natural person, state, inter alia, the person or entity's full name and present or last known address.
10. The terms "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these questions any information which might otherwise be construed to be outside of their scope.

11. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 C.F.R. Part 302.

12. As used herein the terms "hazardous waste", "disposal" and "storage" shall have the meanings set forth in Sections 1004(5), (3) and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. Sections 6903(5), (3) and (33), respectively.

13. As used herein, the term "oil" refers to any substance, whether previously used or not, primarily derived from petroleum, including, but without limitation, fuel oils, motor oils, gear oils, cutting oils, machine oils, transformer oils, transmission fluids, hydraulic fluids, dielectric fluids, tars, lubricants or grease.

14. As used herein, the terms the "company" or "your company" refer not only to your company as it is currently named and constituted, but also to all predecessors in interest of your company and subsidiaries, divisions and branches of your company.

15. As used herein, the term "York Oil Site" or "the Site" shall refer to a parcel or parcels of property located approximately one mile northwest of the Hamlet of Moira, Franklin County, New York.

16. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

17. For each of the following questions, send copies of all documents or records that relate to the question.

REQUEST FOR INFORMATION
to
GENERAL ELECTRIC CO., INC.

1. In General Electric Company's letter dated February 25, 1986 in response to EPA's request for information under CERCLA § 104(e), the company stated that it used electrical components such as transformers, capacitors and fluorescent lighting ballasts which contained polychlorinated biphenyls ("PCBs") at its Syracuse facility. The Generator Forms-Part II dated 8/29/84 that were sent by the company in response to EPA's January 23, 1986 and March 18, 1988 requests for information under CERCLA § 104(e), do not provide information as to how and where PCB-contaminated equipment and waste oil was disposed of. Accordingly the following information is requested:

a. During the period 1950 - 1979, was any equipment which may have contained PCBs, including without limitation, transformers, capacitors or fluorescent lighting ballasts, or PCBs or oil containing PCBs contained in such equipment, removed from the company's Syracuse facility? If so, provide an estimate of the quantities of PCBs disposed of, the name and address of the transporter(s) and the facility where the PCBs were disposed of.

b. Did the "waste oil" identified in the 8/29/84 Generator Forms contain PCBs?

c. Did the company's Syracuse facility ever accept any used equipment containing PCBs or waste oils from other facilities of the company or from any other source for any reason including maintenance, service or storage?

d. Describe the on-site procedures and protocols for servicing and maintaining electrical components including transformers, capacitors and fluorescent lighting ballasts which contained PCB's.

e. Where and how was the equipment and the accompanying oils which may have contained PCBs ultimately disposed of or treated?

f. Provide a copy of any document (see definition of "document" in Instructions) that relates or refers to the disposal of any such equipment or oil that may have been contained therein.

2. During the period 1950 - 1979, did the company use one or more of the following organic chemicals at its Syracuse facility: benzene, xylene, toluene, acetone, phenol, phenol derivatives, trichloroethane or trans-1-2 dichloroethene? If so, describe or identify (and state the time period of applicability):

- a. each process at the Syracuse facility that used any of these materials;
- b. the manner in which these materials were disposed of;
- c. the amount of such materials that was disposed of per annum; and
- d. the identity of the company and the individual that removed such wastes.

3. With respect to the company's Syracuse facility, EPA has information that:

- i. waste material from the Syracuse facility was picked up in about 1957 by Charles Wasson, a driver for Peirce Brothers or a Peirce Brothers affiliated company ("Peirce Brothers"), that this waste was in barrels that were located at a field somewhere in the vicinity of the Syracuse facility, and that this waste material included oils, acetone, and other chemicals (including various "enes");
- ii. waste oil was picked up in about 1964 by John Martin, a driver for Peirce Brothers, from an underground storage tank now or formerly maintained at a truck garage at a company facility in Syracuse (the "Underground Storage Tank"); and
- iii. oil and/or solvents was picked up during the 1950's and 1960's by Peirce Brothers drivers by pumping from the company's 55-gallon barrels or other containers at or near the company's Syracuse facility.

EPA requests the following information:

- a. describe the Syracuse facility, including the operations conducted at the facility between 1950 and 1970;
- b. identify oils used at the Syracuse facility between 1950 and 1970 by type of oil and supplier;
- c. describe in detail each process at the facility in which oil was employed and, if any such process involved the production of picture tubes, also identify the composition of the vacuum equipment used in such process;
- d. describe in detail each process at the facility that generated waste oil;

e. identify all materials that oil may have contacted in the process in which it was used, answering separately for each separate stream of waste oil, and specifically state whether such waste oil contacted stainless steel, lead, chromium, cadmium or nickel during any process or thereafter;

f. identify the manufacturer and model and year of manufacture of:

- i. each piece of refrigeration and air conditioning equipment;
- ii. each vehicle; and
- iii. each other machine or piece of machinery;

that generated waste oil at the Syracuse facility;

g. in the context of answering the foregoing questions, separately identify (including by providing dates of placement) all waste oil, waste solvents and other waste material that may have been placed:

- i. in the Underground Storage Tank;
- ii. in a container at a lot or field near the Syracuse facility; or
- iii. otherwise in a container at or near the Syracuse facility;

h. quantify waste oil generated on an annual basis at this facility for each identified type of waste oil;

i. did the company, between the years 1955 and 1965, ever place materials from its Syracuse facility in a field or lot? If so, describe or identify:

- i. the nature of the wastes placed at this field or lot, as well as the amount of such waste per annum;
- ii. the dates that such wastes were placed at this field or lot;
- iii. the identity of the companies and/or the individuals that removed such wastes;
- iv. whether Pierce Brothers or any agent thereof, ever received the company's waste from a field or lot;

- v. any analysis performed at any time from 1953 to the present of this type of waste and provide copies of test results and any other documents relating or referring to such analysis;
 - j. state whether the company's Syracuse facility, or any other company facility in the area used a location referred to as a "barrel farm" for the storage of drums.
 - k. identify all materials in addition to waste oil that may have been placed in the Underground Storage Tank;
 - l. identify any analysis performed at any time from 1960 to the present of waste oil, waste solvent or any other waste materials generated at the Syracuse facility and provide copies of test results and any other document relating or referring to such analysis;
4. During the period 1953 to 1957, with respect to a facility in Pittsfield, Massachusetts now or formerly owned or operated by the company :
- a. describe the Pittsfield facility, including the operations conducted at the facility;
 - b. describe in detail each process at the facility in which oil was employed and identify the type of oil used and the supplier of each such type of oil;
 - c. describe in detail each process at the facility that generated waste oil;
 - d. identify all materials that oil may have contacted in the process in which it was used, answering separately for each separate stream of waste oil, and specifically identify whether waste oil generated at this facility contacted stainless steel, lead, chromium, cadmium or nickel during any process or thereafter;
 - e. identify the manufacturer and model of each machine that generated waste oil;
 - f. identify the quantity of waste oil generated on an annual basis at this facility;
 - g. identify any analysis performed at any time from 1953 to the present of waste oil generated at this facility and provide copies of test results and any other documents relating or referring to such analysis;

- h. describe how waste oil was disposed of and identify the persons (companies and individuals) who removed waste oil;
 - i. provide a copy of each document relating or referring to the removal of waste oils during this period.
5. The letter dated February 10, 1989 from Dale McAllister to Melissa Marshall had attached thereto i.) the statement of Bill Doane which refers to barrels of chemicals that were stored behind building 12 in the late 1950's or early 1960's; and ii.) the statement of Oliver White which refers to drums stored in the northwest quadrant of the facility. With respect to these barrels or drums:
- a. identify all materials contained therein or believed to be contained therein;
 - b. identify the person or persons who removed or who had responsibility for the removal of these barrels or drums or their contents in the late 1950's and early 1960's;
 - c. identify any analysis performed at any time from 1950 to the present of any of the materials or type of materials that may have been contained in any of these barrels or drums and provide copies of test results and any other documents relating or referring to such analysis.
6. EPA previously requested information from the company pursuant to CERCLA § 104(e) in separate requests dated March 11, 1986 and March 18, 1988.
- a. In responding to questions 5, 6, 7 and 9 in the letter dated March 11, 1986 from EPA to the company pursuant to CERCLA § 104(e), the company attached a copy of a report, dated August 29, 1984 which it had submitted to the State of New York. However, the attached report fails to provide information concerning waste disposal during the period 1950 to 1970 except with respect to waste trichloroethylene. Please provide information responsive to questions 5, 6, 7 and 9 contained in the letter dated March 11, 1986 from EPA to the company for the period 1950 to 1970.
 - b. In responding to the letter dated March 18, 1988 from EPA to the company pursuant to CERCLA § 104(e), the company referred to its responses to the March 11, 1986 information request. Inasmuch as EPA's letter of March 18, 1988 contained requests for information that were not contained in the March 11, 1986 request, and inasmuch as the company's response to EPA's March 11, 1986 request for information was not sufficiently responsive, as noted in the immediately preceding subparagraph, you are requested to provide complete responses to each of the questions in EPA's March

18, 1988 request for information. You may reference a prior response with respect to any question that has been fully answered in such prior response.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)_____
TITLE (print or type)_____
SIGNATURE

Sworn to me before this
day of _____, 1991

Notary Public